

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JASON GARDNER,	:
Petitioner	:
v.	: Case No. 3:23-cv-172-KAP
ERIC ARMEL or the ACTING	:
SUPERINTENDENT, S.C.I. BENNER,	:
Respondent	:

Memorandum Order

On July 28, 2023, petitioner, imprisoned at S.C.I. Benner Township (in Centre County), submitted without the filing fee or a motion to proceed *in forma pauperis* a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254, challenging the sentence imposed on him in Commonwealth v. Gardner, CP-41-CR-410-2013 (C.P. Lycoming). See Commonwealth v. Gardner, No. 889 MDA 2018, 217 A.3d 408 (table), *text at* 2019 WL 2146072, at *1 (Pa. Super. May 16, 2019), *allowance of appeal denied*, 656 Pa. 91, 219 A.3d 1106, 1107 (table) (Pa. November 14, 2019).

Both Lycoming County and Centre County are in the Middle District of Pennsylvania. Under 28 U.S.C. § 2241(d), venue is proper in the Middle District. See Rumsfeld v. Padilla, 542 U.S. 426, 443 (2004) (“§2241(d) provides that when a petitioner is serving a state criminal sentence in a State that contains more than one federal district, he may file a habeas petition not only ‘in the district court for the district wherein [he] is in custody,’ but also ‘in the district court for the district within which the State court was held which convicted and sentenced him’; and ‘each of such district courts shall have concurrent jurisdiction to entertain the application.’”)

Pursuant to 28 U.S.C. § 1404(a), the Clerk shall forthwith transfer this petition to the United States District Court for the Middle District of Pennsylvania for disposition as that Court deems appropriate, and mark this matter closed.



DATE: July 31, 2023

Keith A. Pesto,
United States Magistrate Judge

Notice by U.S. Mail to:

Jason Gardner LS-7516
S.C.I. Benner
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Bellefonte, PA 16823